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OCT 16 1987

STATE OF OKLAHOMA

EXECUTIVE DEPARTMENT

**OKLAHOMA SECRETARY
OF STATE**

EXECUTIVE ORDER 87-35

WHEREAS, House Bill 1493 (Administrative Procedures Act), passed by the 41st Oklahoma Legislature, 1st Session, effective October 16, 1987, significantly modifies existing rulemaking procedures for state agencies; and

WHEREAS, the Director of the Oklahoma Department of Libraries is charged with certain responsibilities to ensure the effective administration of the Administrative Procedures Act; and

WHEREAS, the Oklahoma Department of Libraries has adopted rules (denominated Administrative rules on Rulemaking attached hereto) to facilitate the effective administration of the law; and

WHEREAS, promulgation of these rules is necessary to ensure the effective administration of the law; and

WHEREAS, the Legislature is not in session; and

WHEREAS, the promulgation of these rules pursuant to the Emergency Rules Procedures of the Administrative Procedures Act is necessary to preserve the public health, safety and welfare of the State of Oklahoma; and

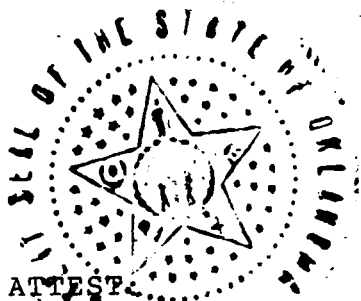
WHEREAS, the form and content of the rules are within the statutory authority of the Department of Libraries,

NOW, THEREFORE, by the authority conferred upon the Office of the Governor by the Constitution and laws of the State of Oklahoma, I do hereby declare an emergency exists justifying promulgation of these rules, and I do hereby certify these rules for promulgation pursuant to 75 Okla. Stat. § 253 (1981) as amended by H.B. 1493, 41st Oklahoma Legislature, 1st Session.

Copies of this certificate declaring an emergency and certifying these rules for promulgation shall be filed with the Oklahoma Department of Libraries, Secretary of State, President Pro Tempore of the State Senate and Speaker of the House of Representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 16th day of October, 1987.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



Jeanette B. Edmondson
Secretary of State

Henry Bellmon

FINDING OF EMERGENCY

The Director of the Oklahoma Department of Libraries finds that compelling extraordinary circumstances necessitate the emergency adoption of Administrative Rules on Rulemaking, to be effective October 16, 1987. The reasons for this finding are as follows:

- (1) HB 1493, effective October 16, 1987, significantly modifies existing rulemaking procedures for state agencies. The Director of the Oklahoma Department of Libraries is charged with certain responsibilities to ensure the law's effective administration. The adoption of these rules is necessary to perform these duties.
- (2) Agencies must comply with new Administrative Procedures Act (APA) provisions beginning October 16, 1987. Several integral steps in the rulemaking process of APA include filing and publication in THE OKLAHOMA REGISTER. Administrative Rules on Rulemaking establishes procedures for filing and publication in THE OKLAHOMA REGISTER.
- (3) Adoption of these rules to be effective on the same date as the new APA is necessary to ensure an orderly transition to new APA requirements.

FINAL ADOPTION OF RULES
EMERGENCY

NAME OF RULEMAKING AGENCY/ENTITY:

The Director of the Oklahoma Department of Libraries

TITLE OF FINALLY ADOPTED RULES:

Administrative Rules on Rulemaking

AUTHORITY FOR RULEMAKING:

75 O.S.Supp.1987, Section 251 and 255

DATE OF PUBLIC COMMENT:

September 28, 1987

DATE OF FINAL ADOPTION:

September 29, 1987

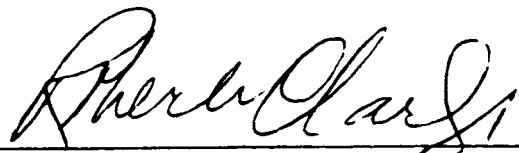
ANALYSIS OF RULES:

These rules establish procedures for filing and publication of Oklahoma's administrative rules in THE OKLAHOMA REGISTER and THE OKLAHOMA ADMINISTRATIVE CODE. The rules implement House Bill 1493 (1987) which amends and adds to existing rulemaking procedures for state agencies (75 O.S.1981, Sections 250 et seq., as amended). The rules define procedures to implement the Administrative Procedure Act's new filing and publication requirements and establish uniform procedures for unchanged rulemaking requirements.

These rules affect the Oklahoma Department of Libraries' Office of THE OKLAHOMA REGISTER, agencies that promulgate rules under the Administrative Procedures Act and persons who utilize administrative rules.

CERTIFICATION (ATTESTATION)

The attached are true and correct copies of Administrative Rules on Rulemaking, adopted under emergency provisions on September 29, 1987 and effective October 16, 1987. These rules are made and finally adopted in compliance with 75 O.S. 1981, Sections 250 et seq., as amended.



Robert L. Clark, Jr., Director
Oklahoma Department of Libraries
200 N.E. 18th Street
Oklahoma City, OK 73105

9-29-87

Date

[NEW]
ADMINISTRATIVE RULES ON RULEMAKING
THE DIRECTOR OF THE OKLAHOMA DEPARTMENT OF LIBRARIES
Authority: 75 O.S., Sections 251 and 255

100. GENERAL.

100.1 - FUNCTION. These rules establish procedures and standards for filing and publication of administrative rules in The Oklahoma Register and The Oklahoma Administrative Code as authorized under the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

100.2 - STATUTORY CITATIONS. Citations to statutes in these rules refer to the most recent codification of the statute.

100.3 - DEFINITIONS.

- (A) Statutory Definitions. Terms used in these rules are defined in 75 O.S., Section 250.3.
- (B) Additional Definitions. In addition to terms defined in 75 O.S., Section 250.3, the following words or terms shall have the following meaning when used in these rules:
 - (1) "APA" means the Administrative Procedures Act, 75 O.S., Sections 250 et seq.
 - (2) "ARR" means the promulgated Administrative Rules on Rulemaking.
 - (3) "Amendment" means a change in an existing rule which adds, modifies or deletes words, phrases, sentences, paragraphs, or sections. Adding a new paragraph to an existing rule, therefore, is not an adoption of a new rule, but an amendment.
 - (4) "Document" means the total body of information required by APA and ARR to be submitted for each rulemaking action published in the Register.
 - (5) "Emergency rule" means a "rule," as defined in APA and described in ARR 100.4 - SCOPE OF A RULE, which is adopted by the agency and certified by the Governor under the special provisions of 75 O.S., Section 253.
 - (6) "Group of related rules" means two or more rules which constitute an agency's total formal guidance in one area of control. For example, the Administrative Rules on Rulemaking is a group of related rules constituting the Director's total guidance in one area under his control.

- (7) "Register" means the publication authorized in 75 O.S., Section 255 and known as The Oklahoma Register, successor publication to The Oklahoma Gazette.
- (8) "Register office" means the Office of The Oklahoma Register.
- (9) "Revocation" means the repeal of an existing rule in its entirety. Deleting a paragraph or section of an existing rule, therefore, is not a revocation, but an amendment.
- (10) "Rule document" means a "document," as defined in ARR 100.3(B)(4), which contains new rules or amendments to or revocations of existing rules.
- (11) "Rule subdivision" means any breakdown within a rule. For example, this definition is subdivision (B)(11) within Rule 100.3 - DEFINITIONS.
- (12) "Rulemaking action" means any procedure which is filed for publication in the Register under APA provisions, as follows:
 - (a) Notice of rulemaking intent [75:303(A)].
 - (b) Final adoption of a new rule or an amendment to or revocation of an existing rule [75:251].
 - (c) Promulgation of a new emergency rule or an emergency amendment to or revocation of an existing rule [75:253].
 - (d) Submission of a rule to the Administrative Rule Review Committee. [75:307/2(A)].
 - (e) Withdrawal of a rule as a result of the Administrative Rule Review Committee's objections [75:307.2(I)(2)].
 - (f) Issuance of an executive order [75:251(E)].
- (13) "Strikeout" means a solid or dashed horizontal line through the deleted or revoked text.

100.4 - SCOPE OF A RULE. For purposes of ARR, the following criteria shall apply to rules:

- (A) **Umbrella Term.** "Rule" is used in ARR as an umbrella term covering both permanent and emergency rules.
- (B) **Title Variations.** A rule represents an agency's formal guidance within an authorized area of control, regardless of the title placed on that guidance (i.e. rule, regulation, standard, statement).
- (C) **Groups of Related Rules.** An agency's complete guidance within an area of control may consist of only one rule. However, if distinct subject divisions exist within the area of control, each distinct division should be designated as a rule. Therefore, a rule may be part of a group of related rules. For example, Rule 100.4 - SCOPE OF A RULE is part of the group of related rules entitled Administrative Rules on Rulemaking. Until a uniform numbering system is established in ARR, agencies must decide if distinct rules exist within a group of related rules.

- (D) **Rule Subdivisions.** A single rule may be divided into two or more rule subdivisions. For example, "Rule Subdivisions" is a subdivision within Rule 100.4 - SCOPE OF A RULE. Until a uniform numbering system is established in ARR, agencies must decide if rule subdivisions exist within a rule.

100.5 - INFORMAL ADVICE TO AGENCIES. Agencies may contact the Register office for advice and assistance in meeting the requirements of APA and ARR. Agencies should understand, however, that advice concerning matters other than ARR is informal and is not binding. Agencies should direct any questions pertaining to the interpretation or construction of the APA to the Office of the Attorney General.

100.6 - AGENCY LIAISON.

- (A) **Appointment of Liaison.** Each agency shall appoint one member of its staff to act as liaison between the agency and the Register office. The agency shall report the name of the agency liaison to the Register office by letter within 30 days after the effective date of these rules. Notification must include the liaison's name, address, and telephone number. Thereafter, the agency must notify the Register office by letter when a new liaison is appointed.
- (B) **Duties of Liaison.** The agency liaison shall act as liaison between the agency and the Register office in all matters concerning documents submitted by the agency. All documents submitted by an agency are coordinated through the agency liaison.

200. PREPARATION OF DOCUMENTS.

200.1 - TYPING AND FORMAT.

- (A) When preparing documents to be submitted to the Register office, agencies shall:
- (1) use 8 1/2 inch by 11 inch plain white medium bond paper (letterhead stationery, onion skin paper and carbon copies are not acceptable);
 - (2) use only one side of the sheet of paper;
 - (3) type with left, right and bottom margins of approximately one inch, a top margin on the first page of approximately two inches, and top margins on subsequent pages of approximately one inch;
 - (4) use standard, black, 10 or 12 pitch type;
 - (5) type in the conventional uppercase and lowercase format; and
 - (6) type with single-spacing.
- (B) Documents submitted to the Register office may not be folded, stapled, or bound together in any manner.

200.2 - QUALITY OF COPY. Copies of documents submitted to the Register office may be photocopies if such copies are legible and if the lines of type, diagrams or other material are aligned squarely on the page.

200.3 - RULE DOCUMENTS. Agencies shall comply with the following standards when preparing documents containing new rules, amendments, or revocations:

(A) Cover Sheet.

- (1) Agencies shall prepare a cover sheet containing the following information, in the following format and in the order shown:

FINAL ADOPTION OF RULES

NAME OF RULEMAKING AGENCY/ENTITY:

TITLE(S) OF FINALLY ADOPTED RULE(S):

If the document contains only one rule:

- cite any numbers and headings used to identify the rule;
- cite the group of related rules of which it is a part, if any; and
- indicate if the rule is new, or an amendment to or a revocation of an existing rule.

If the document contains more than one rule:

- cite any numbers and headings used to identify the group of related rules which contains the rules submitted; and
- list each rule, with any numbers and headings used to identify it, under the appropriate subheading, as follows:

NEW:

AMENDED:

REVOKED:

If the document contains a group of related rules in its entirety, the agency may cite numbers and headings used to identify the group of related rules, rather than cite each rule within the group.

AUTHORITY FOR RULEMAKING:

Cite the statute or other legal instrument which authorizes the agency to promulgate rules for this area of control. Do not cite statutes which authorize rulemaking procedures.

DATE OF PUBLIC COMMENT: (if applicable)

DATE OF SUBMISSION TO ADMINISTRATIVE RULE REVIEW COMMITTEE:
(if applicable)

DATE OF FINAL ADOPTION:

ANALYSIS OF RULE(S):

The analysis may be an overall summary of all new rules, amendments, and revocations included in the rule document, and shall include, but not be limited to:

- information required by 75 O.S., Section 251(B)(2)(e), and
 - a description of the classes of persons who most likely will be affected by the rules.
- (2) If the new rule, amendment, or revocation is adopted under emergency provisions [75:251], the agency shall type the word "EMERGENCY" under the cover page heading, "FINAL ADOPTION OF RULES."
- (3) Agencies shall place a copy of the cover sheet at the beginning of each copy of the rule document.
- (B) **Attestation.** Agencies shall prepare the attestation required in 75 O.S., Section 254(A) on a separate sheet of paper in the document. Agencies shall submit a copy of the attestation with each copy of the rule document.
- (C) **Emergency Rules.** Agencies shall prepare the reasons for the finding of an emergency, as required by 75 O.S., Section 253(B)(2), on a separate sheet of paper in the document. A copy of the emergency findings shall be submitted with each copy of the rule document.
- (E) **New Rules.** When preparing a new rule for inclusion in a document, agencies shall underscore the text of the new rule. However, if the agency adopts a new group of related rules in its entirety, the agency may:
- (1) underscore the entire text of the group of related rules, or
 - (b) type the word "NEW" in brackets directly above the heading(s) used to identify the group of related rules.
- (D) **Amendments.**
- (1) **Underscoring and Strikeouts.** When preparing an amendment for inclusion in a document, agencies shall comply with the following:
 - (a) Underscore new language.
 - (b) Strikeout old language.
 - (c) Type new language following the language which it replaces.
 - (d) Do not strikeout part of a word or number. Strikeout the entire word or number being replaced, and type and underscore the complete new word(s) or number(s).
 - (2) **Sections Affected.** When preparing an amendment for inclusion in a document, agencies shall comply with the following:
 - (a) Include only those sections affected by the amendments. However, enough of the text must be included to provide a context for the amendment and to enable the reader to understand its effect. Until a uniform numbering system is established in ARR, the amount of text needed to represent affected sections shall be determined by the agency.

- (b) Clearly cite any numbers and headings used to identify affected sections.
 - (c) Submit the entire text of the rule or group of related rules only if the amendments are so extensive as to affect more than 75% of the pages of the entire text.
- (E) **Revocations.**
 - (1) When preparing a revocation for inclusion in a document, agencies shall:
 - (a) clearly cite any numbers and headings used to identify the revoked rule;
 - (b) clearly cite any numbers and headings used to identify a group of related rules if the rule is within a group of related rules; and
 - (c) include the entire text of the revoked rule with:
 - (i) strikeouts, or
 - (ii) the word "REVOKED" typed in brackets after the cited heading(s).
 - (2) When an agency revokes a group of related rules in its entirety, the agency may prepare the document without including the entire text of the rules. The agency shall:
 - (a) type on a separate sheet of paper any numbers and headings used to identify the group of related rules, and
 - (b) type the word "REVOKED" in brackets following the cited heading(s).
- (F) **Maps and Graphic Information.**
 - (1) Colors cannot be reproduced in the Register.
 - (2) The area of text for maps or other graphic material may not exceed 7 1/2 inches by 10 inches. If an agency cannot comply, by reduction or other means, the agency must contact the Register office. Exceptions to this policy will be made only at the discretion of the Register office.
- (G) **Summaries of Lengthy Rule Documents.** The text of a rule document which exceeds 75 pages in length will not be published in its entirety. If a document exceeds 75 pages, the agency shall submit a summary as required by 75 O.S., Section 255(B). The summary and an editor's statement noting excessive length and availability to the public will be published. The summary must:
 - (1) accompany the document at the time of submission;
 - (2) be typed on a separate sheet of paper; and
 - (3) comply with statutory requirements and ARR 200 - PREPARATION OF DOCUMENTS.

200.4 - NOTICES OF RULEMAKING INTENT. Agencies shall prepare a notice of rulemaking intent in the following format and in the order shown:

NOTICE OF RULEMAKING INTENT

NAME OF RULEMAKING AGENCY/ENTITY:

INTENDED RULEMAKING ACTION:

Include in this section the following statutory requirements for a notice:

- brief summary of the rule, the contents of the rule as set forth in 75 O.S., Section 303(A)(1), circumstances which created the need for the rule, and intended effect of the rule [75:255(C)]; and
- statement of either terms or substance of the intended action or description of the subjects and issues involved [75:303(A)(1)], referred to in 75 O.S., Section 255(C) as the "contents of the rule."

Cite any numbers and headings used to identify each rule and any group of related rules affected. If the agency intends to adopt a new group of related rules, the agency may cite the numbers and headings used to identify the group of related rules, rather than cite each rule within the group.

AUTHORITY FOR RULEMAKING:

Cite the statute or other legal instrument which authorizes the agency to promulgate rules for this area of control. Do not cite statutes which authorize rulemaking procedures.

COST/BENEFIT ANALYSIS:

State if the agency intends to issue a cost/benefit analysis and where copies of such analysis may be obtained [75:303(A)(1) and 75:303(B)].

DATE, TIME AND PLACE FOR PUBLIC COMMENT:

MANNER IN WHICH INTERESTED PARTIES MAY PRESENT VIEWS:

ADDITIONAL INFORMATION: (optional)

200.5 - STATEMENTS OF SUBMISSION TO COMMITTEE. Agencies shall prepare a statement of submission of rules to the Administrative Rule Review Committee in the following format and in the order shown:

STATEMENT OF SUBMISSION OF RULES TO THE ADMINISTRATIVE RULE REVIEW COMMITTEE

NAME OF RULEMAKING AGENCY/ENTITY:

TITLE(S) OF RULE(S) SUBMITTED FOR REVIEW:

Cite any numbers and headings used to identify the rule(s) submitted and any group of related rules affected. If the agency submits to the Committee a group of related rules in its entirety, the agency may cite the numbers and headings used to identify the group of related rules, rather than cite each rule within the group.

AUTHORITY FOR RULEMAKING:

Cite the statute or other legal instrument which authorizes the agency to promulgate rules for this area of control. Do not cite statutes which authorize rulemaking procedures.

DATE ADOPTED BY THE RULEMAKING AGENCY/ENTITY:

DATE SUBMITTED TO THE ADMINISTRATIVE RULE REVIEW COMMITTEE:

200.6 - NOTICES OF WITHDRAWAL OF RULES. When an agency withdraws a rule as a result of the Administrative Rule Review Committee's objections, the agency shall prepare the notice of withdrawal in the following format and in the order shown:

**NOTICE OF WITHDRAWAL OF RULES AS A RESULT OF
ADMINISTRATIVE RULE REVIEW COMMITTEE'S OJECTIONS**

NAME OF RULEMAKING AGENCY/ENTITY:

TITLE(S) OF RULE(S) WITHDRAWN:

Cite any numbers and headings used to identify the rule(s) withdrawn and any group of related rules affected. If the agency withdraws a group of related rules in its entirety, the agency may cite the numbers and headings used to identify the group of related rules, rather than cite each rule within the group.

DATE ADOPTED BY THE RULEMAKING AGENCY/ENTITY:

DATE SUBMITTED TO THE ADMINISTRATIVE RULE REVIEW COMMITTEE:

DATE WITHDRAWN FROM RULEMAKING PROCESS:

200.7 - COMBINED DOCUMENTS.

- (A) Agencies shall combine in one rule document new rules, amendments to existing rules and rule subdivisions, and revocations when the new rules, amendments and revocations are:
- (1) finally adopted on the same date;
 - (2) finally adopted during the same rulemaking proceeding; and
 - (3) within the same group of related rules or within the same rule.
- (B) Agencies may not combine in one document:
- (1) rules that are part of different groups of related rules.
 - (2) notices of rulemaking intent which relate to:
 - (a) rules that are part of different groups of related rules;
 - (b) proceedings which are to occur on different dates; or
 - (c) separate proceedings to be held on the same date.
 - (3) more than one statement of submission of rules to the Administrative Rule Review Committee.

- (4) more than one notice of withdrawal of rules as a result of the Administrative Rule Review Committee's objections.
- (5) more than one executive order.
- (6) material that would appear in different rulemaking action categories in the Register. For example, an agency may not combine in one document a rule with an emergency rule, a notice with a rule, etc.

300. SUBMISSION OF DOCUMENTS.

300.1 - NUMBER OF COPIES.

- (A) **Rule Documents.** Agencies shall file three (3) copies of each rule document submitted for publication to the Register office.
- (B) **Other Documents.** Agencies shall file with the Register office two (2) copies of documents which contain the following rulemaking actions:
 - (1) notice of rulemaking intent.
 - (2) submission of a rule to the Administrative Rule Review Committee.
 - (3) withdrawal of a rule as a result of the Administrative Rule Review Committee's objections.
 - (4) issuance of an executive order.

300.2 - FILING LOCATION. A document is officially filed with the Register upon receipt in the Register's office at the State Capitol Building. Agencies may file documents with the Register by hand delivering or by sending through interagency mail or postal service, as follows:

Hand Delivery or Interagency mail:

THE OKLAHOMA REGISTER
Jan Eric Cartwright Memorial Library
Room 109
State Capitol Building

Postal:

THE OKLAHOMA REGISTER
Oklahoma Department of Libraries
200 Northeast 18th Street
Oklahoma City, OK 73105

The Register office strongly recommends that agencies hand deliver documents when possible. A document which is hand delivered or received through postal or interagency mail service at the Oklahoma Department of Libraries' building on N.E. 18th Street is not officially filed until it reaches the Register office in the Capitol. If interagency mail or postal service is used, the agency should verify receipt by calling the Register office.

300.3 - FILING DEADLINES. Agencies shall file a document by 5:00 p.m. two working days before the last working day of each month if the document is to be published in the succeeding month's Register. For example, when the last working day of the month is Friday, the filing deadline is 5:00 p.m. Wednesday of the same week, if neither Thursday nor Friday is a holiday. A schedule of the following year's deadlines is published in the last issue of each volume of the Register.

300.4 - ACKNOWLEDGEMENT OF RECEIPT.

- (A) If hand delivering a document, the agency may bring an extra copy on which the Register office will officially note the date of receipt.
- (B) If mailing a document, the agency may include an extra copy and a self-addressed envelope. The Register office will officially note the date of receipt on the extra copy and return it to the agency.

300.5 - ELECTRONIC TRANSMISSION OF DOCUMENTS. Upon request, the Register office may make special provisions for submission of documents with agencies having a computer system capable of communicating with equipment in the Register office.

400. PUBLICATION OF THE OKLAHOMA REGISTER.

400.1 - PUBLICATION DATES. The Register is published on the first working day of each month. A schedule of the following year's publication dates is published in the last issue of each volume of the Register.

400.2 - SERIES INFORMATION. Volumes and issues of the Register are numbered consecutively. Each volume includes twelve issues beginning in November and ending in October. One issue is published on the first working day of each month.

400.3 - REGISTER CATEGORIES. Each issue of the Register is divided into categories of rulemaking action, as needed.

400.4 - SUBSCRIPTIONS.

- (A) Annual subscriptions to the Register may be purchased at a cost which is established by the Director, payable in advance.
- (B) If available, individual issues of the Register may be purchased at a cost which is established by the Director, payable in advance.

400.5 - SCHEDULE OF PUBLICATION DATES AND DEADLINES. A schedule of filing deadlines and Register publication dates for the following year is published in the last issue of each volume.

400.6 - UNPUBLISHED MATERIAL.

- (A) Documents not published due to excessive length [ARR 200.3(G)] are available at no charge to paid subscribers upon request.
- (B) If an agency submits proposed rules when filing a notice, the notice is published, but the proposed rules are not. However, the proposed rules are maintained in the official Register files.

400.7 - CERTIFIED PROOF OF PUBLICATION. Upon publication of a rule document in the Register, the Register office shall send to the agency, as proof of publication, a certified published copy of the Register issue in which the rule document is published.

500. PUBLIC INSPECTION AND COPIES OF DOCUMENTS.

500.1 - PUBLIC ACCESS.

- (A) Documents filed with the Register office are available for public inspection and copying at the Jan Eric Cartwright Memorial Library in Room 109 of the State Capitol Building, between 8:00 a.m and 5:00 p.m. Monday through Friday, excluding holidays.
- (B) Documents may not be borrowed or removed from the Jan Eric Cartwright Memorial Library.

500.2 - PHOTOCOPY CHARGES.

- (A) Copies of documents may be made by interested parties at the current rate charged by the Oklahoma Department of Libraries.
- (B) If staff time allows, copies of documents requested by mail or by phone may be provided by the Register office at the current rate charged by the Oklahoma Department of Libraries for copying provided by staff, after receipt of payment.

500.3 - CERTIFIED COPIES. Requests for certified copies of documents will be directed to the adopting agency.

600. EFFECTIVE DATE OF ARR.

The rules contained herein are effective October 16, 1987.